



Rep. Lou Lang

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09300HB4036ham001

LRB093 15176 RLC 49012 a

1 AMENDMENT TO HOUSE BILL 4036

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4036 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing Section 21-1 as follows:

6 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

7 Sec. 21-1. Criminal damage to property.

8 (1) A person commits an illegal act when he:

9 (a) knowingly damages any property of another without  
10 his consent; or

11 (b) recklessly by means of fire or explosive damages  
12 property of another; or

13 (c) knowingly starts a fire on the land of another  
14 without his consent; or

15 (d) knowingly injures a domestic animal of another  
16 without his consent; or

17 (e) knowingly deposits on the land or in the building  
18 of another, without his consent, any stink bomb or any  
19 offensive smelling compound and thereby intends to  
20 interfere with the use by another of the land or building;  
21 or

22 (f) damages any property, other than as described in  
23 subsection (b) of Section 20-1, with intent to defraud an  
24 insurer; or

1 (g) knowingly shoots a firearm at any portion of a  
2 railroad train.

3 When the charge of criminal damage to property exceeding a  
4 specified value is brought, the extent of the damage is an  
5 element of the offense to be resolved by the trier of fact as  
6 either exceeding or not exceeding the specified value.

7 (2) The acts described in items (a), (b), (c), (e), and (f)  
8 are Class A misdemeanors if the damage to property does not  
9 exceed \$800 ~~\$300~~. The acts described in items (a), (b), (c),  
10 (e), and (f) are Class 4 felonies if the damage to property  
11 does not exceed \$800 ~~\$300~~ if the damage occurs to property of a  
12 school or place of worship. The act described in item (d) is a  
13 Class 4 felony if the damage to property does not exceed  
14 \$10,000. The act described in item (g) is a Class 4 felony. The  
15 acts described in items (a), (b), (c), (e), and (f) are Class 4  
16 felonies if the damage to property exceeds \$800 ~~\$300~~ but does  
17 not exceed \$10,000. The acts described in items (a) through (f)  
18 are Class 3 felonies if the damage to property exceeds \$800  
19 ~~\$300~~ but does not exceed \$10,000 if the damage occurs to  
20 property of a school or place of worship. The acts described in  
21 items (a) through (f) are Class 3 felonies if the damage to  
22 property exceeds \$10,000 but does not exceed \$100,000. The acts  
23 described in items (a) through (f) are Class 2 felonies if the  
24 damage to property exceeds \$10,000 but does not exceed \$100,000  
25 if the damage occurs to property of a school or place of  
26 worship. The acts described in items (a) through (f) are Class  
27 2 felonies if the damage to property exceeds \$100,000. The acts  
28 described in items (a) through (f) are Class 1 felonies if the  
29 damage to property exceeds \$100,000 and the damage occurs to  
30 property of a school or place of worship. If the damage to  
31 property exceeds \$10,000, the court shall impose upon the  
32 offender a fine equal to the value of the damages to the  
33 property.

34 (3) In addition to any other sentence that may be imposed,

1 a court shall order any person convicted of criminal damage to  
2 property to perform community service for not less than 30 and  
3 not more than 120 hours, if community service is available in  
4 the jurisdiction and is funded and approved by the county board  
5 of the county where the offense was committed. In addition,  
6 whenever any person is placed on supervision for an alleged  
7 offense under this Section, the supervision shall be  
8 conditioned upon the performance of the community service.

9 This subsection does not apply when the court imposes a  
10 sentence of incarceration.

11 (Source: P.A. 91-360, eff. 7-29-99; 92-454, eff. 1-1-02.)".